

DEC 09 2005

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Dated: December 9, 2005

Signature: *Susan B. Jensen*  
*(Cision R. Jensen)*

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

App. No. : 10/809,761 Confirmation No. 8658  
 Applicant : Charles R. Stewart  
 Filed : March 25, 2004  
 TC/A.U. : 1653  
 Examiner : Mayer, Suzanne M.  
 Docket No. : 31175413-004002  
 Customer No. : 51738  
 Entitled : Antimicrobial Proteins From The SPO1 Bacteriophage  
 MS Amendment  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

DECLARATION OF CHARLES R. STEWART UNDER 37 CFR §1.132

*Considered  
from  
3/20/2006*

I, Charles R. Stewart, Declare as follows:

I am at least 18 years of age and am competent in all respects to make the following statements.

I am the sole inventor for claims 11-15, 17, 19, 20, and 22-25 currently pending in US Patent Application No. 10/809,761.

The work presented by Sampath, et al., May 2002, was work conceived of by myself, executed under my instructions, and occurred less than 1 year prior to filing US Patent Application No. 60/457,287.

In 2004, I published data demonstrating that GP44 (SEQ ID NO: 8) is one of the class of proteins that do not cause cell lysis (Sampath, 2004). Because GP44 (SEQ ID NO: 8) does not cause cell lysis it is a good candidate peptide for antimicrobial treatment in a mammal because it will be unlikely to cause the Jarisch-Herxheimer reaction.

I further declare that all statements made herein of my own knowledge are true and made on information believed to be true; further that these statements were made with the knowledge that willful false statements are punishable by fine or imprisonment, or both,